

Recommendations for Air Permit Streamlining

BOLD equals highest priority

A. Rule changes

Simpler changes (suggestions requiring fewer resources)

- **More construction activities prior to permit issuance through changing definition of “commence construction” or changing waiver. (see also GCP idea below)**
- **Emergency fire pump exemption**
- **Change emergency generator definition to be more consistent with federal definition**
- **Make small changes to waiver language to reduce subjectivity in “hardship” clause. No waiver/GCP allowed for projects that have started construction prior to receiving waiver/GCP**
- **Ch. NR 407 rule cleanup (see below)**
- **Natural minor exemption from operation permits**
- **Make SOP’s and FESOP’s permanent with “renewal for cause,” or have longer time between renewals such as 10 years.**
- **Incorporate construction permit conditions as a minor revision of an operation permit**
- **Any rule changes needed to support 50% ROP**
- **Engine testing fuel sulfur content requirements in ch. NR 445, resolve conflict between state and federal rules.**
- **Permit applications that are deemed incomplete should be automatically withdrawn if no additional information has been received after one year.**

Longer term changes (suggestions requiring more extensive resources and time)

- **Define cause or exacerbate** (definition should address the following)
 - o Vary definition depending on source size, PSD, minor source
 - o Establishment of a threshold similar to SIL
 - o Include as a SIP revision
 - o Establishment of a de minimis threshold
 - o Ensure the definition identifies non-threat source classifications
- **Create provisions for insignificant units and insignificant emissions for construction permits (similar to op permits)**
- **Administrative revisions and clarifying revisions for construction permits**
- **Exempt like-kind equipment replacements from NR 406**
- **Clarify partial replacement exclusion**
- **Clarify exclusions from modification (406.04(4)) in general**
- **Improve the usability of the minor permit revision language**
- **Allow for parametric monitoring range changes without a permit action (this was also opposed)**
- **Minor source PAL**
- **Exempt combustion of pharmaceuticals and confiscated drugs**
- **Allow for alternative (cleaner fuels) to be exempt from NR 406**

Ch. NR 407 Rule Cleanup items

- **Remove MEK from Table 3 of NR 407**
- **Remove Table 2 from NR 407 (check to see if it is still referenced)**
- **Remove Table 1 from NR 407 (check to see if it is still referenced)**
- **Add PM2.5 to Table 3 of NR 407**
- **Fix gas turbine exemption wording to delineate “each” vs. “combined”; 407.03(1)(u)**
- **Create an “administrative” revocation procedure for facility closure when all emission units are gone, facility closed, and facility requested revocation.**
- **Change definition of “major source” under s. NR 407.02(4)(b)27., Wis. Adm. Code, which currently says: “All other stationary source categories regulated on or after August 7, 1980, by a standard promulgated under section 111 or 112 of the Act” to exactly reflect its source language, under 40 CFR Part 70, which states: “Any other stationary source category, which as of August 7, 1980 is being regulated under section 111 of 112 of the Act.”**
- **Fix NR 463 statement that area source subject to a NESHAP must be issued a “Part 70 permit.” Conflicts with definition of Part 70. (may not be within scope statement of this rule package.)**
- **Examine changes to 407.04(1), should it state, “... Except as provided under subs. (3) to (7)...” rather than (3) to (6)?**
- **For clarification, consider re-writing NR 407.03(1)(intro) to read: “Any direct stationary source which is not an affected source and either consists solely of one of the following categories of stationary sources or consists of a combination of the categories of stationary sources listed in (1)(t) is exempt from the requirement to obtain an operation permit provided the requirements of sub. (4) are met:”**
- **For clarification add a note to the definition of Part 70 clarifying that facilities subject to a MACT standard remain a Part 70 source regardless of reduction in potential emissions.**

B. Registration and General Permits (ROPs and GOPs)

- **Issue a 50% ROP (may require rulemaking)**
- **Examine creation of a General Construction Permit (GCP) with general preconstruction activities such as site preparation, pouring footings, etc., allowed for projects minor for PSD.**
- **Revise synthetic minor lithographic printing GOP to include s. NR 422.143; update and correct language as needed.**

Beginning in July 2014, take on the following as resources allow:

- **Examine Printer GOPs – Can they be improved, can the major source GOPs adequately limit PTE to avoid how many facilities are currently covered, why have facilities not utilized Printer GOPs?**

C. Permit procedures

- **Improve application forms**
- **Improve modeling guidance accessibility**
 - o **Allow opt in to receive email alert of new guidance**
- **Department needs to clarify how it incorporates plan requirements in permits**

- **Improve availability of guidance and provide for a system that notifies people when guidance is changed**
- **Always share draft permits with applicants prior to public comment (develop a procedure to make pre-draft permit available in WARP)**
- **Develop a process for correcting PD's which are incorrect**
- Set modeling emission rate thresholds
- Improve online applications (current forms were built with technology from 1993)
- Improve post-hearing follow-up with public (post hearing results on web site)
- Improve electronic submittal of applications including examining the possibility of
 - o Accepting pdf formatted application in lieu of paper copies
 - o Only a paper signature page should be required
 - o Provide for confidential information processing
- Develop a standard conditions library for permits including standard language for MACT, NSPS, control devices,...
- Simplify op renewal for "clean" facilities (emissions much below allowed levels)
- Prioritize the need for op renewal based on compliance record
- Streamline the renewal process for non-change permits
- Provide guidance on converting ROP to FOP, SOP or FESOP

D. Public information

- **Improve the explanation of the public hearing process (explain with notice or provide an on-line video)**
- **Assist in making citizens more informed for participation in public hearings**
- **Include a plain language explanation of permits with all permits (what a company is allowed to do)**
- Improve public notice distribution
- Improve public information for filing complaints and complaint follow-up, make record of complaints more accessible to the public, and clarify the kind of information needed to be provided to the Department for complaints.